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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,001	12/11/2003	H. Charles Thomas	LA-4747-142.US/10306961	2306
167	7590	04/12/2005	EXAMINER	
FULBRIGHT AND JAWORSKI L L P			ALVO, MARCS	
PATENT DOCKETING 29TH FLOOR			ART UNIT	
865 SOUTH FIGUEROA STREET			PAPER NUMBER	
LOS ANGELES, CA 900172576			1731	
DATE MAILED: 04/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,001

Applicant(s)

THOMAS ET AL

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-2003</u> | 6) <input type="checkbox"/> Other: ____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over PHIPPS (5,846,378) with or without AUHORN (6,083,348).

PHIPPS teaches fractionating a wastepaper stream (column 1, lines 16-17) to separate the long fibers from a sludge stream (column 2, lines 1-6) in the washing stage; combusting the sludge (column 5, line 54-64) and adding the combusted material back into the stock material as filler in the paper plant (column 8, lines 47). PHIPPS also teaches that the long fibers can be purified and made into a paper (column 2, lines 7-15). It would have been obvious to the routineer that the filler added into the stock material to form paper would be reuniting the filler with the long fibers formed into the paper. The metering of fillers and other additives into paper is well known to control the ratio of additives to fiber. It would have been obvious to meter the filler formed by combustion back into the paper to control the amount of filler. See PHIPPS, column 11, lines 42-46, for drying (dewatering) prior to combustion. Dewatering is conventional performed in presses. See PHIPPS, column 10, lines 34-36, for using a low oxygen content. See PHIPPS column 13, lines 3-11, for grinding the ash particles to a distribution of 80% by weight of the particles having a diameter of 2 microns. See column 12, lines 23-26 for recovering energy from the combustion. It would have been obvious to the routineer that such grinding and size distribution would produce particle size distribution 90% of the ash to sizes of 40 microns or less. If necessary, AUHORN teaches that chemicals are conventionally metered into the paper

stock (column 1, lines 26-28) and teaches the importance of having an outstanding ash distribution (Abstract and Example 1). It would have been obvious to the routineer that when the ash of PHIPPS et al is recombined with the fibers to form a paper, to meter the ash into the paper stock and to maintain an outstanding ash distribution as taught by AUHORN.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over PHIPPS (5,846,378) with or without AUHORN (6,083,348) as applied to claim 1 above, and further in view of ZAUDERER (6,453,830).

ZAUDERER teaches reducing the concentration of nitrogen oxides in combustion products formed in furnaces by injecting ammonia into the combustion chamber. It would have been obvious to reduce the nitrogen oxides from the combustion products of PHIPPS by injecting ammonia into the furnace during combustion in the manner taught by ZAUDERER.

Claims 9, 10, 16-19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over PHIPPS (5,846,378) with or without AUHORN (6,083,348) as applied to claim 1 above, and further in view of WO 95/18885.

WO 95/18885 teaches that recovering filler from mineral containing sludge from waste paper by using combustion temperatures of 800 to 1000 degrees C to remove the CO₂ from CaCO₃ and sufficient to eliminate any toxic and/or malodorous compounds in the paper sludge (page 4, lines 20-26). It would have been obvious to use a higher temperature in the combustion of PHIPPS to remove the CO₂ from the CaCO₃ and to eliminate any toxic and/or malodorous compounds in the paper sludge as taught by WO 95/18885.

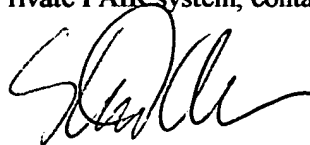
Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over PHIPPS (5,846,378) with or without AUHORN (6,083,348) in view of WO 95/18885 as applied to claim 16 above, and further in view of ZAUDERER (6,453,830).

ZAUDERER teaches reducing the concentration of nitrogen oxides in combustion products formed in furnaces by injecting ammonia into the combustion chamber. It would have been obvious to reduce the nitrogen oxides from the combustion products of PHIPPS by injecting ammonia into the furnace during combustion in the manner taught by ZAUDERER.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 5:45 AM - 2:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steve Alvo
Primary Examiner
Art Unit 1731